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CRUMP INSURANCE SERVICES, INC.

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA

10 CRUMP INSURANCE SERVICES, INC.,

11 Plaintiff,

12 v.

13 MICHAEL P. MCGRATH, an individual,
14 ALL RISKS, LTD., a corporation, and
Does 1 through 50, inclusive,

15 Defendants.

Case No. C-07-4636 MMC (JL)

**[PROPOSED] ORDER GRANTING
PLAINTIFF'S MOTION TO COMPEL
(1) ALL RISKS TO PRODUCE ALL
DOCUMENTS RESPONSIVE TO
CRUMP'S REQUESTS FOR
PRODUCTION, SET ONE, NOS. 8-12;
(2) MCGRATH TO PRODUCE ALL
DOCUMENTS RESPONSIVE TO
CRUMP'S REQUESTS FOR
PRODUCTION, SET ONE, NOS. 13-17;
(3) ALL RISKS TO PRODUCE ALL
DOCUMENTS RESPONSIVE TO
CRUMP'S REQUESTS FOR
PRODUCTION, SET TWO, NOS. 36-
37; (4) MCGRATH TO ANSWER
DEPOSITION QUESTIONS
REGARDING HIS COMPENSATION
AT ALL RISKS; (5) MCGRATH AND
ALL RISKS TO PRODUCE ANY
DOCUMENTS WITHHELD ON THE
GROUND OF PRIVACY OR
ATTORNEY-CLIENT PRIVILEGE;
AND (6) MCGRATH, MARTY, AND
CORTEZI TO ANSWER QUESTIONS
AT FURTHER DEPOSITIONS
REGARDING THE DOCUMENTS
AND INFORMATION**

Date: August 6, 2008
Time: 9:30 a.m.
Chief Magistrate Judge James Larson
Courtroom: F

1 The above-entitled motion came on for hearing before the above-entitled Court on August
2 6, 2008, Dylan B. Carp appearing for Plaintiff Crump Insurance Services, Inc. ("Crump"), and
3 Donna Rutter appearing for Defendants All Risks, Ltd. ("All Risks") and Michael P. McGrath
4 ("McGrath"), Nicholas Cortezi ("Cortezi"), and Cynthia Marty ("Marty").

5 IT IS HEREBY ORDERED that the motion is GRANTED.

6 All Risks is ORDERED to produce within ten days of the date of this Order all
7 documents responsive to Crump's Requests for Production, Set One, Nos. 8-12 without any
8 redactions. The request is designed to discover facts relevant to whether McGrath used and
9 divulged some of Crump's confidential information on the Expiration Log that Marty obtained
10 from Crump soon before she and McGrath left Crump to join All Risks Crump alleges that
11 Marty gave McGrath. All Risks' objection that responsive information is confidential,
12 proprietary or trade secret is meritless because the parties have negotiated a protective order
13 governing such discovery and this objection is inconsistent with McGrath's deposition testimony
14 (*2nd Carp Dec, Ex. A¹ at 271:12-272:25*) and with inappropriate statements of Defendants'
15 counsel during McGrath's deposition (*2nd Carp Dec, Ex. A. at 270:13-17; 267:6-268:5*) that
16 such information is neither confidential nor proprietary.

17 McGrath is ORDERED to produce within ten days of the date of this Order all
18 documents responsive to Crump's Requests for Production, Set One, Nos. 13-17 without any
19 redactions. The request is designed to discover facts relevant to whether McGrath used and
20 divulged some of Crump's confidential information on the Expiration Log that Marty obtained
21 from Crump soon before she and McGrath left Crump to join All Risks Crump alleges that
22 Marty gave McGrath. McGrath's objection that responsive information is confidential,
23 proprietary or trade secret is meritless for the reasons stated above.

24 All Risks is ORDERED to produce within ten days of the date of this Order all documents
25 responsive to Crump's Requests for Production, Set Two, Nos. 36-37. Responsive documents are
26 relevant to whether McGrath used Crump's confidential information to obtain customers for All
27 Risks, such as policy renewal dates, premiums, or commissions. All Risks' objection that
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¹ Excerpts of the transcript of the June 10, 2008 Deposition of McGrath.

1 responsive information is confidential, proprietary or trade secret is meritless for the reasons
2 stated above.

3 McGrath is ORDERED to answer deposition questions regarding his compensation at All
4 Risks. Crump needs this information because it can constitute unjust enrichment for
5 misappropriation of Crump's trade secrets. *Morlife v. Perry* 56 Cal.App.4th 1514, 1529, 66
6 Cal.Rptr.2d 731, 740 (1997). If McGrath is able to defeat discovery of this information, then he
7 can effectively deprive Crump of a lawful remedy for McGrath's unlawful behavior, which would
8 stretch the privacy right beyond its limits.

9 McGrath and All Risks are ORDERED to produce within ten days of the date of this
10 Order any documents withheld on the ground of privacy or attorney-client privilege.

11 IT IS FURTHER ORDERED that McGrath, Cortezi, and Marty make themselves
12 available for further depositions to answer questions regarding the documents that are the subject
13 of this Order.

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15 DATED: _____, 2008 _____
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